IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.2665 OF 1998

Sayyed Abdul Rehmanchand Mujawar ..Petitioner

Vs.

The State of Maharashtra & Another ..Respondents

None for the Petitioner
Mr.C.R. Sonawane, A.G.P. for Respondent nos.1 & 2

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 3RD FEBRUARY, 2005.

P.C.

. None present for the petitioner. Petitioner did not challenge the declaration under Section 6 of Land Acquisition Act. Award came to be made. The Award was the subject of a Civil Suit filed by the petitioner herein. The suit was decreed and it was held that the acquisition of the suit property was illegal and void. An appeal was preferred. Civil Appeal No.568 of 1990 was allowed. The Petitioner instead of preferring a second appeal have filed the present petition.

. In the petition it is averred that considering the judgment of the Apex Court that no suit is maintainable they seek to challenge the award by the present petition. Once the declaration was made under Section 6 and the said declaration was not challenged the finding that acquisition is

for the public purposes would become final. The Apex Court now in the case of **Municipal Council, Ahmednagar Vs. Shah Hyder Beig, A.I.R. 2000 page 671** has held that in the exercise of extra ordinary jurisdiction Awards should not be interfered with. Considering the above in our opinion this would not a fit case for this Court to exercise its extra ordinary jurisdiction. Apart from the fact that the award was in the year 1982. There is nothing on record to indicate or show that there was any interim relief granted by this Court. The petition was filed in the year 1998, there was no interim relief. In the light of that the petition is disposed of.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)